IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

Bail Appl..No. 1318 of 2007()

CRIME NO.20/07 OF THALASSERY POLICE STATION

: PETITIONER/4TH ACCUSED

RAZACK, S/O.MOHAMMED,
MATHILAKATH PARAMBA,
MAVOOR, KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT/STATE

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1. THE SUB INSPECTOR OF POLICE,
THALASSERY POLICE STATION.

2. STATE REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1318 OF 2007

Dated this the 6th day of March, 2007

O R D E R

Petitioner seeks anticipatory bail on the allegation that the Thalassery Police are at his heels in connection with Crime No.20/2007 registered for an offence punishable under Section 420 IPC.

2. Learned Public Prosecutor opposed the application submitting, inter alia, as follows:-

Accused Nos.1 to 3 had availed a loan of Rs.7,75,000/- from the Thalassery Branch of the Indus Ind Bank for purchasing of a Chassis of Ashok Leyland lorry. Subsequently they defaulted and the first accused sold the Chassis to the petitioner. The first accused in the case is absconding. It is only after questioning the petitioner that the police could take a decision as to whether he should be arrayed as an accused or not.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered by the Magistrate concerned in case the petitioner is arrayed as an accused. Accordingly the petitioner is directed to surrender before the Investigating Officer on any day between 13.3.2007 and 15.3.2007 for the purpose of interrogation and recovery of incriminating materials, if any.

In case the petitioner is arrayed as an accused in the case, he shall be produced on the same day before the Magistrate concerned. The Magistrate shall consider and dispose of the application, if any, filed by the petitioner for regular bail, preferably on the same date on which such application is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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